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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STIPULATION

25 A Case Management Conference is currently scheduled for October 3, 2006 at 9:00 a.m.
26 The defendant's counsel, however, has another court appearance at that same time. (Kim Decl. ¶
27 2.) Additionally, service of the summons and complaint under Federal Rule of Civil Procedure
28 4(i) needs to be completed (but completion is anticipated shortly), and the defendant anticipates

1 filing a motion to dismiss within 60 days after completion of service, as provided by Rule
2 12(a)(3). (Kim Decl. ¶ 3.) Consequently, the parties stipulate to continue the Case Management
3 conference to January 9, 2007 at 9:00 a.m.

4 **IT IS SO STIPULATED.**

5 DATED: 9.15.06

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7 KEVIN V. RYAN
8 United States Attorney
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11 By: LETITIA R. KIM
12 Assistant United States Attorney
13 Attorneys for Defendant
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15 DATED: Sept. 14, 2006

16 M.G. TEODORO LAW

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18 By: MAY ANTOINETTE G. TEODORO
19 Attorney for Plaintiff
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Stip. to Continue CMC, Kim Decl., [Proposed] Order
Case No. C 06-02948 VRW

-2-

TOTAL P.02

TOTAL P.02

DECLARATION OF LETITIA R. KIM

I, Letitia R. Kim, declare as follows:

1. I am licensed to practice law in this district, and am an Assistant United States Attorney, counsel for the defendant in this action. The statements contained in this declaration are within my personal knowledge. I make this declaration in support of the parties' stipulated request to continue the case management conference.

2. I received this case on or about August 28, 2006, and at that time, noticed the Case Management Conference is currently set for October 3, 2006 at 9:00 a.m. I have an appearance in the United States District Court at that same day and at the same time in another case.

3. I spoke with plaintiff's counsel, May Antoinette Teodoro, on August 30, 2006, and advised her of my conflict. Additionally, I advised her that service of the summons and complaint was not yet complete under Federal Rule of Civil Procedure 4(i), because the Attorney General and United States Attorney's Office had not been served. Ms. Teodoro stated she would effect that service. I also advised Ms. Teodoro that the defendant would have 60 days to file its response and would likely file a motion to dismiss.

4. Based on my conflict, the service issue, and the anticipated motion, Ms. Teodoro and I agreed to request a continuance of the Case Management Conference approximately 90 days out.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Executed this 15th day of September, 2006, at San Francisco, California.

Letitia R. Kim

[PROPOSED] ORDER

Pursuant to the parties' stipulation and the declaration of Letitia R. Kim, it is ordered that the Case Management Conference, which was previously scheduled for October 3, 2006 at 9:00 a.m., is continued to January 9, 2007 at 9:00 a.m.

IT IS SO ORDERED.

Dated: September 21, 2006



VAUGHN R. WALKER
Chief Judge, United States District Court

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE; DECLARATION OF LETITIA R. KIM; [PROPOSED] ORDER

Pat Delos Santos v. John E. Potter
C 06-02948 VRW

to be served this date upon each of the persons indicated below at the address shown:

May Antoinette G. Teodoro, Esq.
M.G. Teodoro Law
1625 The Alameda, Suite 800
San Jose, CA 95126

✓ **BY FIRST CLASS MAIL** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

BY PERSONAL SERVICE (BY MESSENGER): I caused such envelope to be delivered by hand to the person or offices of each addressee above.

BY FACSIMILE (FAX): I caused each such document to be sent by facsimile to the person or offices of each addressee above.

BY E-MAIL: I caused each such document to be sent by e-mail to the person or offices of each address above.

BY FEDERAL EXPRESS

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed September 15, 2006 at San Francisco, California.



KATHY TERRY
Legal Assistant